

Plaintiffs' Proposed Order

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION / PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION

Case No.: 4:22-md-03047-YGR

MDL No. 3047

This Document Relates To:

All Actions

**[PROPOSED] CASE MANAGEMENT
ORDER NO. ____:
COOPERATION ORDER REGARDING
STATE AND FEDERAL LITIGATION**

1. On October 6, 2022, the Judicial Panel on Multidistrict Litigation centralized the above-referenced litigation (the “MDL” or “MDL Proceeding”) pursuant to 28 U.S.C. § 1407 before this Court (also referred to as the “MDL Court”). The MDL consists of cases presenting common factual questions arising from general allegations that, among other things, Defendants’ designed, marketed and distributed social media platforms that are defective because they are designed to maximize user screen time, which can encourage addictive behavior in adolescents. Plaintiffs allege Defendants were aware, but failed to warn minor Plaintiffs and their parents that their products were harmful to minors.

2. On December 7, 2022, the Judicial Council of California coordinated cases pending in California state court that present common factual questions arising from the same general allegations giving rise to the federal MDL in *In re: Social Media Cases*, JCCP No. 5255 (Cal. Sup. Ct.) (the “JCCP”), pending before the Honorable Carolyn B. Kuhl.¹

3. Any current or future action in a state or federal court, other than this MDL and its member cases, presenting the same or similar common factual questions as those presented in this

¹ On December 7, 2022, various California state court cases identified as potential add-on cases in two separate then-pending petitions, JCCP 5255-Social Media Cases and JCCP 5256-Instagram Cases, filed in California State Court were coordinated into a single JCCP: *Social Media Cases*, JCCP 5255.

MDL is referred to herein as a “Related Action.” Such cases have been and may continue to be filed in other courts as this litigation proceeds.

4. The MDL, JCCP, and other Related Actions involve similar allegations and many of the same Defendants such that discovery in the various proceedings on common issues involving Defendants will substantially overlap.

5. On May 3, 2023, the JCCP Court entered a Minute Order outlining the principles of cooperation it expects from counsel to the parties in the MDL and the JCCP. Specifically, the JCCP Court stated that that “Counsel shall comply with the following principles in propounding and responding to discovery: Discovery in the MDL proceeding and in this JCCP proceeding should be coordinated. Discovery requests served and responded to in the MDL will be treated as though served and responded to in the JCCP. This court will not allow discovery in this case that duplicates what has taken place in the MDL.”

6. This Court acknowledges the Order of the JCCP Court and likewise orders counsel in the MDL to work cooperatively with counsel in the JCCP throughout discovery. If and when discovery commences in the MDL, the parties in the MDL and JCCP shall work together to coordinate discovery to the maximum extent feasible to avoid duplication of effort, avoid undue burden and expense, and promote the efficient and speedy resolution of the MDL and JCCP. Such cooperation will serve to minimize unnecessary duplication of pretrial efforts and undue burden on the multiple court systems involved as well as on the parties, and to conserve judicial resources and substantial expense by parties and non-parties.

7. The Court acknowledges that any court before which a Related Action is pending may enter an order consistent with the principles outlined by the JCCP Court in its May 3, 2023 Minute Order. If such an order is entered, the parties in the MDL will be expected to work collaboratively with the parties in the Related Action to coordinate discovery to the maximum extent feasible.

Dated: May ____, 2023

Yvonne Gonzalez Rogers
United States District Court Judge